

Atty. Docket No.: 568.0001CIP
Amdt. Dated May 2, 2006
Reply to Office action of Nov. 2, 2005
Appl. No.: 10/725,334

PATENT

REMARKS

Favorable reconsideration of the present application is respectfully requested.
Claims 1-20 are pending in the present application. Claim 1 stands rejected. New claims 2-20 have been added. No new matter has been added.

I. 35 U.S.C. §112, second paragraph rejection

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Office Action alleges that the recited limitation "a game number recording section" and "a correct digit recording section" imply a function and it cannot be determined if applicant intends to invoke means plus function language. The Applicant respectfully traverses this rejection and asserts that there was no intent to invoke 35 U.S.C. § 112, sixth paragraph means plus function language. Further, the Applicant asserts that the limitations otherwise satisfy the requirements of 35 U.S.C. § 112. Therefore, Applicant requests that the rejection of Claim 1 under 35 U.S.C. § 112 be withdrawn.

II. 35 U.S.C. 102(b) rejection

Claim 1 also stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Mega Millions. The Applicant respectfully traverses this rejection.

The Office Action and PTO-892 assert that the Mega Millions ticket was available as prior art in May of 2002. However, no such date is found on or in connection with the ticket such that it can be relied upon as prior art. Accordingly, the Office has failed to

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establish the availability of the Mega Millions ticket as prior art as required by MPEP §

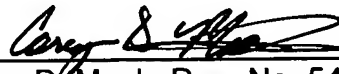
2128. Therefore, the Applicant respectfully submits that Claims 1 is allowable over the relied upon art. Similarly, dependent Claims 2-9 which depend from Claim 1 are also allowable.

The Applicant respectfully submits that newly added independent Claims 9, 17 and 20 are allowable for at least the same reasons stated above. Similarly, the Applicant respectfully submits that dependent Claims 10-16 and 18-19 are also allowable.

III. Conclusion

In view of the above amendments and Remarks, it courteously is urged that all the claims are allowable and that the application now is in condition for allowance. If the Examiner believes that the prosecution could be advanced through a telephone conversation, then the Examiner is invited to telephone the undersigned. Favorable action in this regard earnestly is solicited.

Respectfully submitted,
CAHN & SAMUELS, L.L.P.

By: 
Corey D. Mack, Reg. No. 54,821
2000 P St., NW, Ste. 200
Washington, D.C. 20036
Telephone: (202) 331-8777
Fax: (202) 331-3838

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